

AMENDED IN SENATE MAY 1, 2013
AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 536

Introduced by Senator Berryhill

February 22, 2013

An act to add Section 53757 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 536, as amended, Berryhill. Property-related services.

The California Constitution, with certain exceptions, conditions the imposition or increase of a property-related fee or charge upon less than a majority of owners of subject parcels submitting written protests, and *requires the* approval by either a majority vote of the owners of the properties subject to the fee or charge or, under certain conditions, by a $\frac{2}{3}$ vote of the voters residing in the area affected by the fee or charge.

This bill would *specifically* provide that a ~~district, as defined, county~~ shall not be obligated to provide subsidies to cure any deficiencies in funding of property-related services provided ~~in~~ *within* the ~~district's~~ jurisdiction *of a district, as defined*, under any of certain specified circumstances. This bill would provide that this prohibition would not apply if the ~~district's~~ *county's* governing board had agreed to subsidize the *district's* services before the completion of a majority protest proceeding or election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 53757 is added to the Government Code, to read:

53757. (a) A ~~district~~ *county* shall not be obligated to provide subsidies to cure any deficiencies in the funding of property-related services provided within ~~the~~ a district's jurisdiction, if any of the following conditions exist:

(1) The district's governing board proposed to impose, extend, or increase property-related fees or charges for the services, the board fully complied with Section 6 of Article XIII D of the California Constitution, and a majority of parcel owners submitted a written protest against the proposed imposition, extension, or increase, pursuant to subdivision (a) of Section 6 of Article XIII D of the California Constitution.

(2) The district's governing board proposed to impose, extend, or increase property-related fees or charges for the services, the board fully complied with Section 6 of Article XIII D of the California Constitution, and the proposed imposition, extension, or increase failed to get voter approval pursuant to subdivision (c) of Section 6 of Article XIII D of the California Constitution.

(3) Property-related fees or charges for the services that ~~comply~~ *fully complied* with Section 6 of XIII D of the California Constitution were reduced or repealed by the voters by an initiative pursuant to Section 3 of Article XIII C of the California Constitution.

(b) Subdivision (a) shall not apply if the ~~district's~~ *county's* governing board had undertaken the obligation to subsidize the services before the completion of a majority protest proceeding or election described in paragraph (1), (2), or (3) of subdivision (a).

(c) For purposes of this section, "~~fully-complies~~ *fully complied* with Section 6 of Article XIII D of the California Constitution" means all of the following:

(1) Revenues derived from the proposed fee or charge do not exceed the funds required to provide the property-related service.

(2) Revenues derived from the fee or charge are not used for any purpose other than that for which the fee or charge was imposed.

1 (3) The amount of the fee or charge imposed on any parcel or
2 person as an incident of property ownership does not exceed the
3 proportional cost of the service attributable to the parcel or person.

4 (4) The fee or charge is not imposed for a service unless and
5 until that service is actually used by, or immediately available to,
6 the property owner in question.

7 (5) The fee or charge is not imposed for general government
8 services if the service is available to the public at large in
9 substantially the same manner it is to property owners.

10 (6) The district has identified all parcels upon which the fee or
11 charge is proposed and calculated the amount of the fee or charge
12 to be imposed upon each identified parcel.

13 (7) The district has provided a written notice by mail of the
14 proposed fee or charge to the record owner of each identified
15 parcel, in conformance with subdivision (c) of Section 6 of
16 Article XIII D of the California Constitution, and provided for all
17 required hearings.

18 (d) For purposes of this section, “district” shall mean a local
19 governmental entity created for the purpose of providing sidewalks,
20 streets, sewers, water, flood control, drainage systems, or vector
21 control services within its jurisdiction with a governing board that
22 has the same members as the board of supervisors for the county
23 in the overlapping geographical area.